BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE No. 04-239

CASE NO. 04-239

JUDGE RICHARD H. ALBRITTON, JR.

DEMAND FOR RULE 12(b) MATERIALS

COMES NOW, JUDGE RICHARD H. ALBRITTON, JR., by and through his undersigned counsel, and hereby makes written demand of the Florida Judicial Qualifications Commission and/or its counsel, pursuant to Rule 12(b) of the Rules of the Florida Judicial Qualifications Commission, of the names and addresses of all witnesses whose testimony Special Counsel expects to offer at the hearing, together with copies of all witness statements and transcripts of testimony of such witnesses in the possession

of the Counsel or the Investigative Panel which are relevant to the subject matter of the hearing.

Respectfully submitted,

SCOTT K. TOZIAN, ESQUIRE Florida Bar No. 253510 GWENDOLYN H. HINKLE, ESQUIRE Florida Bar No. 083062 SMITH, TOZIAN & HINKLE, P.A. 109 North Brush Street, Suite 200 Tampa, Florida 33602 (813)273-0063 Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2005, the original of the foregoing Demand for Rule 12(b) Materials has been filed via <u>e-file@flcourts.org</u> and furnished by FedEx overnight delivery to:

Honorable Thomas D. Hall Clerk Supreme Court of Florida 500 South Duval Street Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

Ms. Brooke S. Kennerly Executive Director Florida Judicial Qualifications Commission 1110 Thomasville Road Tallahassee, Florida 32303 Judge James R. Wolf Chairman, Hearing Panel Florida Judicial Qualifications Commission 1110 Thomasville Road Tallahassee, Florida 32303

John R. Beranek, Esquire Counsel to the Hearing Panel P.O. Box 391 Tallahassee, Florida 32302

David T. Knight, Esquire Special Counsel Hill, Ward & Henderson, P.A. P. O. Box 2231 Tampa, Florida 33601

and

Thomas C. MacDonald, Jr., Esquire General Counsel Florida Judicial Qualifications Commission 1904 Holly Lane Tampa, Florida 33629

SCOTT K. TOZIAN, ESQUIRE